

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAMON E. WALKER,)	
)	
Plaintiff,)	4:06CV3029
)	
v.)	
)	
CPL. AARON R. SCHOEN,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's motion for leave to file an amended complaint (Filing No. 19), motion for appointment of counsel (Filing No. 18), and defendant's motion to dismiss (Filing No. 16). Generally, pro se complaints are held to less stringent standards than complaints drafted by lawyers. *Walker v. Reed*, 104 F.3d 156 (8th Cir. 1997)(citing *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594 (1972)). Therefore, the plaintiff sufficiently showed his intent to include an alleged constitutional violation by checking a box indicating that his complaint was brought for a violation of his federal constitutional rights. Accordingly,

IT IS ORDERED:

1) That plaintiff's motion for leave to file an amended complaint is granted. Plaintiff shall have until June 8, 2007, to file an amended complaint.

2) That defendant's motion to dismiss is denied as moot with leave to re-file after plaintiff files an amended complaint.

3) That plaintiff's motion for appointment of counsel is denied.

DATED this 22nd day of May, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court